



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,965	11/13/2001	Thomas Basilio Genduso	RPS920010086US1	3801

7590

03/18/2004

Joseph P. Lally
DEWAN & LALLY, L.L.P.
P.O. Box 684749
Austin, TX 78768-4749

EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,965	Applicant(s) GENDUSO ET AL.	
	Examiner Chandrika Prasad	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The reply filed on 12/30/03 consists of changes in the drawings, changes in the specification, amendments to claims 1,2, 4, 6-10, 21, 22, 26, 28, 29, cancellation of claims 11-20, addition of new claims 31-40 and remarks related to rejection of claims. The claims are not allowable as explained below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "107" has been used to designate both surface and guide (see page 6, lines 3-4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title is still too general

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the receptacle housing" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 21-22 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ripolone.

Ripolone (Figures 1-3) shows a connector assembly connectable at right angles to an adapter card having a cylindrical receptacle 2 with a plurality of evenly spaced contact structures 15-18 oriented along an axis parallel to a longitudinal axis of the receptacle and engaging a plurality of contact elements 35-38 wherein the receptacle contact structures and probe contact areas are configured to be connected to signals and interconnects. The receptacle contact structures are within an interior surface of a housing and the probe contact areas are on an exterior surface of the probe. The probe is totatable within the receptacle from a first position when the contacts do not engage the contact structure. The probe can be slidingly rotated within the receptacle to a second position such that the contact elements engage the contact structure.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

Art Unit: 2839

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripolone.

Ripolone shows all the features of these claims as describe in Paragraph 8 above except probe guide and notch. Official notice is given that these features are well known in the art of electrical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features because these would provide a means to align the probe with the receptacle as is well known in the art.

11. Claims 4-5, 24-25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripolone in view of Cameron.

Ripolone shows all the features of these claims as describe in Paragraph 8 above except an iris mechanism. Such a mechanism is well known in the art as shown by Cameron (Figure 12). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features because these would provide a means to cover/protect the interior of the receptacle as taught by Cameron and well known in the art.

12. Claims 6-10, 26-30 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripolone.

Ripolone shows all the features of these claims as describe in Paragraph 8 above except a prove cover and a locking mechanism. Official notice is given that these features are well known in the art of electrical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features

Art Unit: 2839

because these would provide a means to secure and protect the probe as is well known in the art.

Double Patenting

13. Applicant is advised that should claims 1-10 be found allowable, claims 21-40 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Response to Arguments

14. Applicant's arguments filed 12/30/03 have been fully considered but they are not persuasive. The Ripolone's probe can be slidingly rotated from a first position when the contact elements do not engage the contact structures to a second position when the contact elements engage the contact structures. The applicant's arguments about contact elements and contact structures being equally spaced are not supported by claim language.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

Art Unit: 2839

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

16. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (571) 272-2099. If attempts to reach the examiner by telephone are unsuccessful, the examiner's art unit can be reached at (571) 272-2800 ext 39. The fax number for this Group is (703) 872-9306.

Chandrika Prasad
Primary examiner
March 08, 2004

